

2023 -- S 1009

LC002445

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO FOOD AND DRUGS -- THE RHODE ISLAND CANNABIS ACT

Introduced By: Senators Acosta, Mack, Lombardo, and Miller

Date Introduced: May 15, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28.11-10.1 of the General Laws in Chapter 21-28.11 entitled "The  
2 Rhode Island Cannabis Act" is hereby amended to read as follows:

3 **21-28.11-10.1. Transitional period and transfer of authority.**

4 (a) To protect public health and public safety, upon the effective date of this chapter [May  
5 25, 2022] until final issuance of the commission's rules and regulations promulgated pursuant to  
6 the provisions of this chapter, there shall exist a transitional period of regulatory and enforcement  
7 authority regarding the production, possession, regulation, distribution, sale and use of cannabis  
8 relating to the sale by hybrid cannabis retailers of adult use cannabis pursuant to § 21-28.11-10.

9 (b) During the transitional period, the office of cannabis regulation shall prescribe such  
10 forms, procedures, and requirements as necessary to facilitate the acquisition of hybrid retail and  
11 cultivation licenses by compassion centers and cultivators licensed pursuant to chapter 28.6 of this  
12 title.

13 (c) Such forms, procedures, and requirements shall be posted on the website of the office  
14 of cannabis regulation no later than October 15, 2022, at which time an application period will  
15 commence. Applications shall be received, reviewed, and approved on a rolling basis provided that  
16 in no case shall an approved hybrid retailer begin adult use sales before December 1, 2022.

17 (d) The forms, procedures, and requirements prescribed by the office of cannabis regulation  
18 shall incorporate, but shall not be limited to, the following:

19 (1) Requirements pertaining to the physical premises of hybrid retail licensees. Where

1 physically possible these shall include prospective licensee plans to physically separate marijuana  
2 and marijuana products designated for adult use and medical sales, respectively, in inventory,  
3 storage, and customer-facing floor and display areas; plans to physically separate sales areas for  
4 adult use and medical sales, which may be provided by a temporary or semi-permanent physical  
5 barrier; plans to provide and maintain a patient consultation area that will allow privacy for  
6 confidential consultation with qualifying patients; and plans to prioritize patient and caregiver  
7 identification verification and physical entry into retail areas in the event of capacity or other  
8 constraints; however, if the premises of a hybrid retail licensee does not allow the licensee to meet  
9 the requirements of this subsection or would cause undue hardship on the licensee, the office of  
10 cannabis regulation may authorize the hybrid retail licensee to conduct adult use sales at an adjunct  
11 location. In authorizing any such adjunct location, the office shall require, at a minimum, the  
12 following:

13 (i) The adjunct location must be physically located within the same municipality and  
14 geographic zone;

15 (ii) The adjunct location must comply with all municipal zoning requirements and obtain  
16 municipal approval;

17 (iii) The approval of any adjunct location will not cause undue hardship upon another  
18 licensed cannabis retailer; and

19 (iv) In the instance that an adjunct location is approved by the office, the hybrid cannabis  
20 retailer shall not be permitted to engage in the sale of cannabis for adult use at more than one  
21 premises.

22 (2) Requirements pertaining to inventory, product, and sales tracking. These shall include  
23 prospective licensee submission of plans to electronically separate finished marijuana products  
24 designated for medical or adult use sales in hybrid licensees' inventory and sales tracking systems.  
25 If prospective hybrid licensees are conducting cultivation activities, they shall submit plans to  
26 distinguish between sales of marijuana or finished marijuana products at wholesale based on  
27 designation for medical or adult use sales.

28 (3) Requirements relating to the maintenance of medical marijuana program service levels.  
29 These shall include prospective licensee submission of comprehensive policies and procedures  
30 detailing plans to maintain a sufficient quantity and variety of medical marijuana products, and if  
31 substitutions of medical marijuana products with adult use marijuana products are to be made, a  
32 justification for such substitutions. Prospective hybrid licensees shall also be required to designate  
33 an individual who will be primarily responsible for maintenance of medical marijuana program  
34 service levels and ongoing compliance with existing program requirements, rules, and regulations.

1 (4) Requirements relating to operating plans, policies, and procedures. These shall include  
2 prospective licensee submission, maintenance of, and adherence to a set of written standard  
3 operating procedures that encompass both adult use and medical marijuana service lines. These  
4 operating plans and procedures shall take the form of an updated operations manual as currently  
5 required under medical marijuana program regulations and shall include, but not be limited to,  
6 policies and procedures relating to the maintenance of medical marijuana program service levels  
7 as defined in this section.

8 [\(5\) Requirements relating to the advertising of cannabis and cannabis products by hybrid](#)  
9 [cannabis retailers who have been permitted to sell adult use cannabis pursuant to the provisions of](#)  
10 [this chapter.](#)

11 (e) Notwithstanding the foregoing provisions of this section, all prospective and approved  
12 applicants for hybrid cannabis retailer and cannabis cultivator licenses under this chapter shall  
13 maintain compliance with the existing provisions of chapter 28.6 of this title of the general laws  
14 and the regulations promulgated thereunder until final issuance of the commission's rules and  
15 regulations, including, but not limited to, existing restrictions and requirements related to financial  
16 disclosures; registration of owners, managers, key persons, agents, and employees; product testing;  
17 packaging and labeling; transportation; [and](#) home delivery; ~~and advertising.~~

18 (f) Forms, procedures, and requirements relating to this transitional period may be amended  
19 by the office of cannabis regulation or the commission up until the final issuance of the  
20 commission's regulations pursuant to the provisions of this chapter at which time the forms,  
21 procedures, and requirements will be superseded by the commission's final rules and regulations.

22 (g) Upon final issuance of the commission's rules and regulations, the following shall  
23 occur:

24 (1) All powers, duties and responsibilities of the department of business regulation and the  
25 office of cannabis regulation with respect to the regulation, administration and enforcement of the  
26 provisions of chapter 28.6 of this title shall be transferred to the commission or as designated by  
27 the commission to the cannabis office.

28 (2) All powers, duties and responsibilities of the department of environmental management  
29 with respect to regulation, administration and enforcement of chapter 28.6 of this title shall be  
30 transferred to the commission or as designated by the commission to the cannabis office.

31 (3) All powers, duties and responsibilities of the department of health with respect to  
32 regulation, administration and enforcement of chapter 28.6 of this title shall be transferred to the  
33 commission or as designated by the commission to the cannabis office, except for the following:

34 (i) Administration of registry identification cards to qualified patients; and

1 (ii) Powers delegated to the department pursuant to this chapter or by rules and regulations  
2 of the commission.

3 (4) There shall be established a “cannabis office” with the powers, duties and  
4 responsibilities authorized pursuant to § 21-28.11-18.1.

5 (5) All powers exercised by state agencies, departments and offices pursuant to the  
6 provisions of subsections (a) and (b) of this section relating to transitional period authority shall  
7 cease.

8 (h) Upon final issuance of the commission’s rules and regulations, whenever the term  
9 “office of cannabis regulation” appears in any general law or regulation, the term shall mean the  
10 “cannabis office” as defined in this chapter.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO FOOD AND DRUGS -- THE RHODE ISLAND CANNABIS ACT

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- 1           This act would permit the office of cannabis regulation to provide forms, procedures and
- 2 requirements with respect to the advertising of cannabis products during the transitional period.
- 3           This act would take effect upon passage.

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